

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2931 OF 2007

Anwar Rukhumuddin Shaikh

..Applicant.

Vs.

The State of Maharashtra

..Respondent.

Mr Debojit Talukdar with Amol A. Deshpande, Advocate
for the applicant.

Mr S. S. Pednekar, A.P.P for the respondent.

CORAM: V.C. DAGA,J.
DATED: 20.9.2007.

P.C.

1. Heard learned counsel for the applicant and the
learned APP for the State.

2. Perused the application and the material
available on record.

3. The applicant - accused arrested in C. R.
No. 250 of 2006, registered with Khadak Police
Station, Pune for the offence under Sections 307, 504
of the I.P.C., is seeking bail under Section 439 of
the Cr.P.C.

4. The present applicant-accused came to be
arrested on 10.11.2006 and since then he is in jail.
He had moved bail application in Sessions Court which
came to be rejected on 12.3.2007.

5. The accused-applicant is in custody since more than nine months. The name of the applicant does not find place in the F.I.R. The applicant appears to have been implicated on the basis of statement given by one Satish Janardan Landge. No doubt, the weapon used in the commission of the alleged offence has been recovered at the instance of the present accused. However, investigation is complete. Charge-sheet has already been filed.

6. In the above premises, I find no reason to continue jail custody of the applicant any further. However, it appears that the complainant is a Member of Shiv-Sena. Possibility of pressurising the witnesses at the instance of the applicant-accused cannot be ruled out, as such bail is being granted on following terms and conditions :-

a] The applicant Anwar Rukhumuddin Shaikh arrested in connection C. R. No. 250 of 2006, registered with Khadak Police Station, Pune for the offence under Sections 307, 504 of the I.P.C., shall be enlarged on bail subject to furnishing a personal bond of Rs. 50,000/- with one or two sureties in the like amount.

b] The applicant shall report to the above Police Station once in a week i.e. Monday in

between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

e] The applicant shall not enter into the area of Kasewadi, Bhawani Peth, Limit of Municipal Corporation, Pune so long as the trial is completed, except for the purpose of the trial only.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

8. Application is disposed of in above terms.

(V.C.DAGA,J)